

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LOUIS MERRIWEATHER, Petitioner,	:	Case No. C1-02-369
	:	
	:	Judge Spiegel
v.	:	Magistrate Judge Hogan
	:	
JAMES ERWIN, WARDEN,	:	
Respondent.	:	

RESPONDENT'S THIRD SUPPLEMENTAL RETURN OF WRIT

As a consequence of Merriweather's allegation that he was not advised of his right to appeal, this Court has ordered that the record be supplemented to include a copy of Merriweather's sentencing transcript. Said transcript is attached hereto as Exhibit A. As reflected by the following, the sentencing transcript explicitly repudiates Merriweather's allegations.

THE COURT: Okay. All right, then, if there is nothing further to offer, the Court will proceed by advising the defendant that he has certain constitutional rights of appeal.

If you're not satisfied with the proceedings of the Court, and you wish to enter an appeal, sir, you're instructed to tell your attorney immediately.

If you cannot afford an attorney, the Court has the duty to provide you with an attorney and also provide you with a written copy of the proceedings at no cost to you. Do you understand that, sir?

THE DEFENDANT: Yes, your Honor.

(Tr. 22-23).

Respectfully submitted,

JIM PETRO (002206)
Attorney General of Ohio

/s/Stuart A. Cole
Stuart A. Cole (0020237)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Third Supplemental Return of Writ** was forwarded to Louis Merriweather, #348-451 at Chillicothe Correctional Institution, 15802 St. Rt. 104 North, Chillicothe, Ohio 45601, by U.S. mail, postage pre-paid this 16th day of August, 2004.

/s/Stuart A. Cole
STUART A. COLE
Assistant Attorney General

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ITEM

EXHIBIT

Merriweather Sentencing Transcript
Hamilton County Court of Common Pleas
Case No. B9702196A